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C O N F I D E N T I A L SECTION 01 OF 04 MANILA 002156

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E.O. 12958: DECL: 06/27/2017  
TAGS: [PGOV](#) [PINR](#) [RP](#)  
SUBJECT: LIKELY UNUSUAL DYNAMICS OF NEW PHILIPPINE SENATE

REF: MANILA 1787

Classified By: Ambassador Kristie A. Kenney, for reason 1.4 (d).

¶1. (C) Summary. The new Philippine Senate that will officially convene July 23 will have an even stronger Opposition cast than its predecessor, although the lower house of Congress will remain strongly pro-Administration. The Commission on Elections has formally proclaimed eleven out of the twelve victors in the nationwide Senate races, while re-counting of Maguindanao provincial ballots and those in a few other "failed" local elections continues to determine whether a pro-Administration candidate or another Opposition candidate won the final slot in the "Magic 12." The presidency of the Senate remains up for grabs, although the leading contender remains incumbent Senate President Villar. An unusual feature of the new Senate will be the inclusion of Navy Lieutenant Antonio Trillanes IV, still under trial for his alleged role as mastermind of the 2003 "Oakwood Mutiny," along with repeated coup leader and former Senator Gregorio Honasan. The tone in the new Senate is apt to be even shriller, more partisan and personal, and uncompromising than in recent years, leaving little prospect for much significant legislation. End Summary.

New Senate -- almost complete  
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¶2. (U) On June 6, the Commission on Elections (COMELEC) proclaimed ten of the twelve winning Senators from the May 14 mid-term elections. Even without a final tally, the COMELEC ruled that the remaining votes would not affect their clear victories. In numerical order based on the nationwide voting, the winning candidates included:  
-- Loren Legarda (Genuine Opposition -- GO), former Senator and 2004 Vice Presidential candidate;  
-- Francis "Chiz" Escudero (GO), Congressman and House Minority Leader in the 13th Congress;  
-- Panfilo "Ping" Lacson (GO), incumbent Senator;  
-- Manuel "Manny" Villar (GO), incumbent Senator and Senate President in the 13th Congress;  
-- Francis "Kiko" Pangilinan (Independent), incumbent Senator and Majority Leader in the 13th Congress;  
-- Benigno "Noynoy" Aquino III (GO), Congressman in the 13th Congress and son of martyred hero "Ninoy" Aquino and former President Corazon Aquino;  
-- Edgardo "Ed" Angara (pro-Administration "Team Unity" -- TU), incumbent Senator;  
-- Alan Peter Cayetano (GO), Congressman in the 13th Congress, brother of incumbent Senator Pilar "Pia" Cayetano, and son of a late Senator;  
-- Joker Arroyo (TU), incumbent Senator; and,  
-- Gregorio "Gringo" Honasan (Independent), former Senator and, until late June, facing new coup charges related to the Oakwood Mutiny as well as the February 2006 attempted coup; he had in the 1990s received a pardon for his attempted coup attempts in the 1980s.

Enter the mutineer  
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13. (U) On June 15, the COMELEC proclaimed as the eleventh Senate victor detained Navy Lieutenant Antonio Trillanes IV, alleged leader of the failed military "Oakwood Mutiny" in 2003. The COMELEC ruled that no other candidate could mathematically dislodge him from the 11th or 12th ranking even though the final votes were not complete nationwide. Trillanes became the first Philippine Senator to win election while in prison; for his proclamation ceremony, he required a court order and permission from Chief of Staff General Esperon of the Armed Forces of the Philippines (AFP), which is responsible for his custody in light of parallel trials for a court martial and a criminal charge. General Esperon subsequently requested that the Court determine whether the AFP should retain custody or whether he should enter civilian custody in light of Trillanes' new role. Controversy continues to swirl about whether Trillanes should be allowed to attend Senate hearings and conduct ordinary Senate business outside his cell, or whether he will have to serve his term from his detention facilities unless military and civilian courts find him not guilty. Many cite the recent example of a Congressman who won and served two terms in Congress from his jail while serving a sentence for statutory rape.

Hot Contest for Twelfth Seat  
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14. (U) The COMELEC has yet to proclaim the twelfth senatorial seat, with opposition candidate Aquilino "Koko" Pimentel III (son of current Senate Minority Leader "Nene" Pimentel) and TU candidate and incumbent Congressman Juan

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Miguel "Migz" Zubiri close in the running. Zubiri currently trails Pimentel by some 100,000 votes, with approximately 300,000 votes in Maguindanao Province now under re-canvassing following the still-unexplained temporary disappearance of its certificates of canvassing (in addition to some ongoing counting of a few other by-elections or re-counts in smaller jurisdictions where the COMELEC had postponed elections or declared failures). Initial results show Zubiri leading Pimentel by a two to one margin there, but Pimentel has filed a petition before the Supreme Court to stop the canvassing of votes due to alleged irregularities. The Supreme Court will hear arguments on the case on June 28 or 29.

15. (SBU) The COMELEC had previously indicated that it hoped to proclaim all winners by June 30, but now admits this target is problematic. Although the Constitution provides that newly-elected members of Congress "shall begin unless otherwise provided by law on the 30th day of June next following the election," the COMELEC's Legal Department Executive Director Pio Joson and Commissioner Rene Sarmiento have claimed that COMELEC has the "liberality" to delay proclamation as necessary.

New Dynamics in Senate  
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16. (SBU) The (at least) seven newly-elected opposition senators will join six Opposition incumbents, assuring the opposition a solid majority in the 23-member Senate. (The seat of Senator Alfredo Lim, who won as Mayor of Manila, will remain vacant.) Re-elected Pangilinan, who broke with the Administration by calling for President Arroyo's resignation in 2005, is likely generally to side with the opposition. Should the younger Pimentel win the twelfth seat, the opposition would control 15 seats. The pro-Administration bloc will add two senators to the five currently in the Senate, for a total of seven seats. Should Zubiri win the twelfth seat, there would be eight pro-administration Senators. The always controversial "Gringo" Honasan, despite his history of coup attempts, now appears poised to take a

cooperative stance towards the Administration, especially following Justice Secretary Raul Gonzalez' recent recommendation that prosecutors drop all ongoing charges against him for "lack of evidence."

¶7. (C) Incumbent and newly elected Opposition members have struggled -- so far without success -- to obtain consensus on the next Senate President, debating inconclusively among themselves even whether to hold a "secret" vote. The front-runner continues to be current Senate President Villar, but he faces a serious challenge from the elder Pimentel, who served as Senate President during the Estrada administration. The formal election -- usually pro forma -- will take place on July 23 when both houses of Congress reconvene. Another possible outcome is a leadership-sharing scheme between Villar and Pimentel to keep political alliances intact, just as when the Villar replaced Senate President Franklin Drilon in 2006 under a term-sharing agreement in the previous Senate. Up for grabs also are various Committee chairmanship and their unaudited budgets of millions of pesos annually; these are likely among the horses now under trading.

¶8. (C) The strongly Opposition cast of the Senate will put it at odds with the staunchly pro-Administration lower House, complicating any hopes at an ambitious legislative agenda over the next three years. An additional complication is the number of Senators who have Presidential ambitions in 2010, almost certainly including Villar and Manuel "Mar" Roxas II but quite possibly also Legarda, Escudero, Lacson (a candidate in 2004), Pangilinan (aided by the popular appeal of his superstar wife Sharon Cuneta), and even Aquino. The would-be candidates will face choices about gaining public stature by standing up to President Arroyo and obstructing her agenda (with one of the first tests in the absence of new legislation to be ratification of the Australian Status of Forces Agreement) or by acting "Presidential" by voting responsibly "in the national interest."

The special problem of Trillanes

¶9. (U) Trillanes first gained national prominence during the failed Oakwood Mutiny in July 2003, after which he surrendered and has remained in detention as his trials proceed slowly. He has refused to plea bargain, unlike most of his co-conspirators. A 1995 honors graduate of the Philippine Military Academy, he will join three other Academy graduates in the Senate: Rodolfo Biazon, Honasan, and Lacson. Trillanes gave up his commission in 2007 to file his certificate of candidacy for the Senate, although there is some doubt whether an officer undergoing a court martial has the right to do so. During his Navy career, his unit

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apprehended many criminals in Philippine waters, and rescued 32 survivors of the ill-fated vessel Princess of the Orient during a typhoon in 1998. From 2001 to 2003, Trillanes pursued a master's degree in public administration at the University of the Philippines, where he researched and wrote on corruption in the Navy's procurement system.

¶10. (C) Trillanes has stated that he will use his new position to bring about President Arroyo's impeachment (although the lower House must initiate and vote on charges before Senate deliberation), and has reportedly already authored twenty new bills related to corruption, poverty, and education. He promised to refuse the usual "pork barrel" Senate allocations (approximately US\$4.3 million per Senator), which he has labeled a "tool for corruption" rather than development. Many observers also expect him to insist on a series of public hearings regarding unlawful and extra-judicial killings and the alleged complicity of the AFP, with an apparent special grudge against General Esperon. General Esperon has already vowed to respond to any Senate summons by invoking the controversial Executive Order 464 requiring Cabinet and other executive officials to seek

Presidential permission to attend congressional hearings. Although the Supreme Court in 2006 declared the Executive Order unconstitutional, the Court nonetheless recognized the doctrine of "executive privilege" to keep information confidential if justified by the circumstances.

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¶11. (C) Senior military officers and other commentators have publicly and privately pondered the special appeal to the electorate of both Trillanes and Honasan, who had extremely limited campaign funds and, in the case of Trillanes, could not even leave his cell to campaign. Many attribute it to the fabled Filipino support for the "underdog" -- a key factor in the 1998 election of President Estrada (who played this role in countless films) and in the 2004 Presidential candidacy of fellow actor Fernando Poe Jr. Others have noted that many voters simply responded to the "movie star good looks" of the two, especially the youthful Trillanes (who will be the youngest member of the Senate). But others have noted that many citizens -- including or especially those in the lower ranks of the military -- admire both for challenging the status quo and for exposing alleged abuses and corruption within the military. The AFP even commissioned a post-election internal survey of views on Trillanes and his victory; the results are not yet public. However, some senior AFP officers discount this theory, noting that huge numbers of AFP troops -- perhaps even most of those serving outside Metro Manila -- did not have the opportunity to vote for any candidate since they were far from their home provinces and did not avail themselves of the absentee ballot provisions of the law. (According to the COMELEC, 15,000 AFP troops did submit absentee ballots, however.) They have alleged instead that Trillanes' victory in particular was due to covert support from "leftist" organizations, including the party list group Bayan Muna. Wealthy opposition Senator Jamby Madrigal has also admitted providing extensive personal financial support -- including for his television campaign ads -- for Trillanes, due to his open opposition to President Arroyo.

¶12. (U) In a media briefing on June 20, Executive Secretary Eduardo Ermita indicated the "high probability" that the President would grant political "amnesty" -- before convictions -- to Trillanes. Another option would be for the Department of Justice, as it did for Honasan, simply to drop all charges against Trillanes either in the "spirit of reconciliation" or "for lack of evidence."

Comment

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¶13. (C) The traditional tug-of-war between the Administration and Congress, and between the House and the Senate, is apt to be more fierce than usual over the next three years, especially given the stakes ahead in the 2010 Presidential elections. Concern is high within the AFP as well as in civil society in particular over Trillanes' victory -- an amazing feat by anyone's standards for someone who, facing trial before military and civilian courts on coup charges, did not have the freedom to wage a national campaign, lacked campaign machinery, and showed unimpressive results in pre-election surveys. Senior AFP officers privately worry about the signals both Trillanes' victory and Honasan's return to the Senate send to the rank-and-file: when unhappy, stage a rebellion and then run for public office? Officials of the Presidential Legislative Liaison Office have privately expressed the hope that, after all the election hoopla and campaign rhetoric, it will soon be "politics as usual," and even outspoken members like Trillanes will soon learn to "play the game" by "traditional" rules (i.e. exchanging votes for favors or other

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"inducements"). The Administration will, however, more likely find it difficult to advance its remaining legislative

agenda, starting in the Senate with the desired ratification of the Australian Status of Forces Agreement.

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